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Attorneys for NATIONAL SURETY
CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KUNDE ENTERPRISES, INC.; VINTAGE
WINE ESTATES, INC.,

Plaintiff,

v.

NATIONAL SURETY CORPORATION;
CERTAIN UNDERWRITERS AT LLOYD'S
LONDON; RSA INSURANCE GROUP;
LIBERTY SPECIALTY MARKETS
INSURANCE GROUP; NAVIGATORS
UNDERWRITING AGENCY LIMITED;
BRIT GLOBAL SPECIALTY; TRAVELERS
MARINE CARGO,

Defendants.

Case No. 3:19-cv-06636-SK

**DEFENDANT NATIONAL SURETY
CORPORATION'S AMENDED NOTICE OF
MOTION AND MOTION TO DISMISS OR
SEVER PLAINTIFF VINTAGE WINE
ESTATES, INC. AND DEFENDANTS
CERTAIN UNDERWRITERS AT LLOYD'S
LONDON; RSA INSURANCE GROUP;
LIBERTY SPECIALTY MARKETS
INSURANCE GROUP; NAVIGATORS
UNDERWRITING AGENCY LIMITED; BRIT
GLOBAL SPECIALTY; TRAVELERS
MARINE CARGO FROM THIS ACTION FOR
MISJOINDER UNDER FEDERAL RULES OF
CIVIL PROCEDURE, RULES 20 AND 21**

Date: November 25, 2019

Time: 9:00 a.m.

Crtm: C

Judge: Magistrate Sallie Kim

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 25, 2019 at 9:00 a.m., in Courtroom C,
located at 450 Golden Gate Ave, San Francisco, CA 94102, Defendant, National Surety
Corporation will move for an order dismissing without prejudice or severing Plaintiff Vintage

1 Wine Estates, Inc. and Defendants Certain Underwriters at Lloyd's London; RSA Insurance Group;
 2 Liberty Specialty Markets Insurance Group; Navigators Underwriting Agency Limited; Brit Global
 3 Specialty; and Travelers Marine Cargo from this action.

4 This motion is made pursuant to Rule 20 and Rule 21 of the Federal Rules of Civil
 5 Procedure and is based on the fact that Plaintiff Vintage Wine Estates Inc, asserts no right to relief
 6 against Defendant National Surety Corporation. All of Plaintiff Vintage Wine Estate Inc.'s alleged
 7 claims and damages are directed solely to the other named defendants.

8 This motion is based on this Notice of Motion, the attached memorandum of points and
 9 authorities in support thereof, the pleadings and documents on file in this case, and such other
 10 evidence and argument as may be presented at the hearing on this motion.

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 12 Dated: October 17, 2019

MOUND COTTON WOLLAN & GREENGRASS LLP

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 14 By: /s/Melissa Dubbs
 15 Jonathan Gross
 16 Melissa A. Dubbs
 17 Attorneys for Defendant NATIONAL SURETY
 18 CORPORATION
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PROOF OF SERVICE

I am a citizen of the United States and employed in the County of Alameda, City of Emeryville, California. I am over the age of eighteen years and not a party to the within action. My business address is Mound Cotton Wollan & Greengrass, 2200 Powell Street, Suite 1050, Emeryville, California 94608.

On the date below-written, I served the following document(s):

DEFENDANT NATIONAL SURETY CORPORATION'S AMENDED NOTICE OF MOTION TO DROP (DISMISS WITHOUT PREJUDICE) OR IN THE ALTERNATIVE SEVER PLAINTIFF VINTAGE WINE ESTATES, INC. AND DEFENDANTS CERTAIN UNDERWRITERS AT LLOYD'S LONDON, RSA INSURANCE GROUP, LIBERTY SPECIALTY MARKETS INSURANCE GROUP, NAVIGATORS UNDERWRITING AGENCY LIMITED, BRIT GLOBAL SPECIALTY AND TRAVELERS MARINE CARGO ON THE GROUNDS OF MISJOINDER

- () (BY REGULAR MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person at the address listed immediately below and placed the sealed envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the said date, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid:
- () (BY PERSONAL DELIVERY) By having a messenger personally deliver a true copy thereof to the person and/or office of the person at the address set forth below:
- (X) (BY OVERNIGHT DELIVERY) By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to Mound Cotton Wollan & Greengrass to be delivered by Federal Express, to the address(es) shown below:
- () (BY ELECTRONIC TRANSMISSION) Based on Court Order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person at the e-mail address listed immediately below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (X) Filed electronically with the U.S. District Court and therefore the Court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail address(es):

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on October 17, 2019, at Emeryville, California.


Kelly A. McAndrews

SERVICE LIST

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